

Section 6

The transport of children by minibus, car coach or public transport

This Section addresses the complex issues relating to the transporting of children, whilst on visits from the school or youth centre by minibus, car or coach, as part of curriculum or extra-curricular activity.

It is not concerned with home to school transport which is arranged by the Education Transport Team, Environment and Transport Department, Shire Hall, Cambridge.

Minibus transport

- 1) A corporate approach to regulations and guidance on transport by minibus has been agreed and published by the Council. All education establishments were issued in June, 1997 with the new document titled "Minibuses: Regulations and Operational Guidelines" amended in April 2002.
- 2) The complete text of this corporate guidance is also included in the education department's Health & Safety Manual.
- 3) The document includes the following sections:
 - General Information - the new Cambridgeshire Council Minibus Driver Permit Scheme; driver training and testing; driver management; general management and drivers' hours
 - Insurance
 - Use of minibuses abroad
 - Vehicle management
 - Passenger care and safety
 - Relevant legislation
 - Further information and checklists

4) The key points are:

- The scheme is administered by Insurance and Risk Management, RES1309, Shire Hall, Cambridge, CB3 0AP, tel. 01223 717267 / Loans & Insurance Section, Peterborough, tel : 01733 742050 to whom all communication should be addressed and from whom advice can be sought
- The "Green Card" driver's permit is no longer valid. All drivers must have completed the minibus driver training scheme and have qualified for the "Council Minibus Driver Permit"
- This entails the compulsory training and testing of all drivers to ensure fitness to drive minibuses (whether owned by school or LEA, commercially hired or loaned) on Council business. Failure to retest or failure to demonstrate a satisfactory standard, will render the permit invalid
- Drivers will be subject to a retest every four years for permit renewal
- Drivers must be between 21 and 70 years of age and have held a full, current driving licence for at least twelve months

Drivers hours

* see also paragraph 1.6 of the Council guidance document, "Minibuses: Regulations and Operational Guidelines"

- 5) In recognition of the risks posed by driver fatigue or distraction, the following criteria should be considered by each establishment in determining its policy with regard to the management and staffing of minibus travel. Establishments are strongly advised to adopt these guidelines which are more stringent than the corporate advice in the Council guidance - in recognition of the particular needs of the education service.
- 6) Recent minibus incidents nationally have highlighted the risks posed by driver fatigue or distraction. Long journeys, motorway driving and situations where drivers embark on such journeys following a full day's work, appear to pose the greatest risk through driver fatigue.
- 7) Distraction of the driver by passengers may be a particular factor for some groups, especially the very young, pupils with special needs or those with behavioural problems. This is likely to be a particular difficulty for drivers who are not accustomed to regular journeys with children.
- 8) Each establishment must adopt a written policy, as part of its overall Health and Safety policy, with regard to the management and staffing of minibus journeys, in the context of its particular circumstances. This section and the document "Minibuses: Regulations and Operational Guidelines" will form the basis of this local policy.
- 9) It is for headteachers/centre manager (or EVC) to make decisions regarding arrangements for specific journeys. These will need to take account of establishment policy and the particular circumstances of the journey in question, eg other duties undertaken or planned by the driver/s, other responsibilities of the driver/s during the journey, overnight driving, whether towing or not.

- 10) The following recommended guidelines are provided to assist establishment heads in making appropriate policy and staffing provision. Managers and individuals who fail to have regard for these guidelines will be required to justify any departure from these standards in the event of any incident.
- 11) For journeys:
- not exceeding 1 hour in length, a single teacher/driver operating alone may be considered adequate, subject to the nature of the group and the driver's ability and confidence to manage that group
 - involving between 1 hour and 4 hours driving, a second, responsible adult should be present
 - involving over 4 hours driving, the second adult should also be an appropriately qualified driver. One of these drivers should have had a 'rest' period free from duties, of at least one hour immediately before the start of the journey
 - for longer journeys, ie over 4 hours driving, appropriate rest periods must be taken (see below)
- 12) Council minibus drivers may be subject to the UK Domestic Drivers' Hours rules. It must be recognised that drivers of LEA school minibuses may be performing voluntary driving duties additional to their normal duties and that they will also often carry an organisational and supervisory role which can in itself be fatiguing. The following guidelines must, as a consequence, be carefully applied to safeguard against the risk of driver fatigue:
- A maximum continuous driving time of 4 hours followed by a minimum break of 45 minutes
 - Total aggregate driving time, before a prolonged period of rest is taken, should not exceed 8 hours
 - A prolonged rest period should normally be a minimum of 10 hours free from driving duties
 - A maximum aggregate driving time of 48 hours in any 7 consecutive day period
 - A maximum aggregate driving time of 90 hours in any 14 consecutive day period
 - Unless the above guidelines can be met, alternative arrangements must be made

Emergencies

- 13) In the event of a major emergency, it is essential that rescue services can quickly identify the home base of the group and vehicle. Emergency contact telephone numbers should always be prominently displayed in the minibus. The summary leaflet "Minibus Driving", carried in the vehicle, could be helpful in this respect. Many operators display the establishment name and address externally on the vehicle for rapid identification.

Journeys abroad

EU legislation applies and additional insurance is required when minibuses are taken abroad. Organisers must contact the Insurance and Risk Management RES1309 Shire Hall, Cambridge CB3 0AP, tel : 01223 717267 / Loans & Insurance Section, Peterborough, tel : 01733 742050.

Transport by car

- 14) Private cars of both employees and voluntary helpers, eg governors or parents, are often used to assist with school functions. Managers must take reasonable precautions to satisfy themselves that such drivers and vehicles are suitable for the proposed use and should have regard to the LEA guidance document 'A Code of Conduct for Teachers and others working with Young Children'. The attention of drivers should also be drawn to this document. Where managers are satisfied as to the suitability of drivers and vehicles:
- it must be recognised that responsibility for the insurance of these private vehicles rests with the owner or driver concerned. The LEA cannot provide insurance to protect the interests of the driver if an accident were to happen
 - all prospective drivers who are employees must have a "business use" extension to their "domestic and pleasure" policy
 - all such employee drivers should produce documentary evidence to their employing department when authorisation for LEA business use is first given and at regular intervals thereafter
- 15) For non-employees there is no similar "business use" requirement since social, domestic and pleasure cover normally suffices. However, where a volunteer driver is undertaking regular or frequent journeys, the driver should seek clarification from his/her insurance company. Where any financial transaction is involved, insurance cover must be checked
- **BEFORE USING SUCH VOLUNTEER DRIVERS, SCHOOLS SHOULD SUPPLY THEM WITH A COPY OF THE MODEL LETTER IN THIS SECTION, WHICH CLARIFIES THE INSURANCE POSITION.**
- 16) All drivers should be made aware of and be familiar with the document "A Code of Conduct: for Teachers and other Employees Working With Young People", produced by the Schools Division in 1996.

Using public transport

- 17) Included in this group will be buses, local and regional trains and underground systems.
- 18) There are significant advantages in using public transport in certain situations. These include costs effectiveness, transporting small groups, and reducing environmental impact. Using public transport also shows young people that there are alternatives to reaching destinations other than a pre booked coach or by car.

- 19) However groups using public transport need to consider the following issues:
- that a higher staff ratio may be required for group management
 - an emergency plan may be required due to short notice cancellation
 - that public transport operates to strict timetables
 - and that groups are clearly in the public eye, (which maybe a beneficial aspect)

Transport by coach

Leaders planning to use a coach should consider the following issues.

- 20) Use only coaches provided by reputable companies. Local firms may be preferred since their reputations should be known. Leaders can more easily inspect and address concerns with local provision.
- 21) All coaches are required by law to be fitted with seat belts on forward facing seats when a group of three or more children is on an organised trip. It is strongly recommended that organisers use only coaches with seat belts. Parents will expect such provision despite the legal distinction between a coach, which does require seat belts to be fitted and a bus, which does not.
- 22) Organisers should check in advance the acceptability of coaches to be used and specify, in writing, particular needs and expectations such as luggage capacity. This will reduce the possibility of dissatisfaction, as below.
- 23) Party leaders must check visually that the condition of coaches provided is acceptable. Such a check should include obvious safety features such as the general condition of tyres, seat belts, presence of fire extinguisher and first aid.
- 24) Luggage must not be carried inside the coach other than in lockers or shelves provided. Loose, heavy luggage is dangerous in the event of a sudden stop or crash and may block emergency exits.
- 25) Any significant deficiencies must be noted and should be discussed initially with the driver. The party leader should, if appropriate and depending on circumstances, insist on immediate correction of any faults, where this is possible, or the provision of an alternative coach. This would normally cause considerable delays to the start of the visit but this should not be a reason for failure to act in cases of serious deficiency.
- 26) Party leaders and other accompanying adults should note any significant issues of concern regarding driver conduct or other events during the journey. It may be necessary, in the most serious of cases, to insist that the coach be stopped at the first safe opportunity. Party leaders will need to consider what actions they may then wish to take. It is important that full contact details, including an 'out-of-hours' telephone number, of the coach company be taken on the visit.

- 27) Cases of litigation involving coach companies stress the importance of the need for the party leader to keep a dated, accurate account (dates, times, events, locations, statements) of the circumstances of any incident. This contemporaneous note will be of immense help in any subsequent negotiations.

What to look for when hiring a coach

The following advice was produced by Cambridgeshire Council Transport Department.

- 28) The following recommendations should be of help to those hiring from an operator for the first time. Many are common sense but important details can be overlooked or taken for granted. If you have used a firm regularly and been satisfied with the service, there is no need to change your routine. Larger establishments may find it useful to have one person responsible for coach bookings or, at least, keeping records of operators' satisfactory / unsatisfactory performance.
- 29) Before even contacting an operator, try to discover how other users feel. If you know someone has used them before, have a word. How were they dealt with, both before and on the day of the trip? Remember, even the best operators can have bad days - do not let a single bad experience put you off.
- 30) Visit the operator's office and, if possible, the place where the coaches are kept. What is the condition of the vehicles? Are they kept clean internally and externally? What impression does the site give - is it tidy and organised or are tools and spare parts scattered about in no apparent order? Basically, is the place a mess? Remember, vehicles which are clean may not be satisfactory mechanically. However, the balance of probabilities is that a well-organised company is more likely to offer a safe and efficient service than one which seems to be in a state of chaos.
- 31) Consider how you are treated. Does the person dealing with your bookings appear to be asking the right questions, eg times of departure and return, number of people travelling, special requirements such as routing, arrival times at particular places? A casual approach at the outset may indicate a casual approach to the work. It may be useful to seek the operator's advice about the trip you wish to undertake. The operator should be able to offer advice about journey times and possible congestion problems. Any lack of knowledge should sound a warning note. It is advisable, particularly if you do not know the operator, to have all details confirmed in writing.
- 32) Ask about the staff who will be responsible for your trip. Are they familiar with the route; are they experienced in dealing with groups such as yours? If you are at all uncertain, ask about other groups they have dealt with and contact the organisers.
- 33) Clarify your needs. If you want a coach fitted with seat belts, this should be made clear from the outset. Do not assume that, because the law requires coaches to be fitted with belts when undertaking school trips, that any vehicle you hire will automatically so be fitted. The distinction between a coach and a bus, which does not have to be fitted with belts, is a fine one and not immediately obvious to the observer.

- 34) Consider the amount of luggage you will need to take. Some types of visit, eg camping or activity residential visits, may involve transporting unusually large amounts of luggage. Discuss your requirements with the operator. Remember, it is unlikely that a standard 53 seater coach will be able to accommodate 53 pupils, staff, their baggage and camping gear.
- 35) You may wish to ask the operator for other facilities, such as radios or mobile telephones, to be provided so that information about delays, breakdowns etc. can be passed on. If your trip is a long one, you may feel that a coach fitted with a toilet would be preferable. Do not assume that because some of an operator's vehicles are so fitted, you will be provided with one. Ensure that any such provisions are requested and confirmed in the written contract.
- 36) Checking on compliance with legal requirements can be more difficult. Each vehicle should display a valid road fund licence and an operator's licence disc. The latter, which is not vehicle specific, indicates that the company is eligible to operate a certain number of coaches and buses. On longer journeys, particularly those involving more than one day, it is advisable to check with the operator that the regulations with regard to driving hours will be met. If the journey involves travel in Europe, then different regulations are in force. Any lack of appreciation of the differences should be a cause of concern.
- 37) If you have questions or doubts, contact the operator and check on the response. Remember that efficient operators have to make good use of their vehicles. A change of time, which may seem minor, can affect other arrangements and have a significant cost penalty.
- 38) If you have any kind of problem, do contact the operator. A coach operator has to place great reliance on the staff, drivers cannot be checked whilst they are working. The operator needs to be kept informed if staff are letting them down in any way, eg lack of route knowledge, discourtesy etc.
- 39) If the problem involves questions of safety of vehicles, then complaints should also be made to the local Traffic Commissioner. For operators based in or around Cambridgeshire, the Eastern Area Traffic Commissioner is based in Terrington House, 13-15 Hills Road, Cambridge CB2 1NP (telephone 01223 358922). There is a proposal by the Government to set up a telephone line for information about an operator's maintenance record. This will be well-publicised when it is instituted.
- 40) Remember, as with most purchases - "You get what you pay for!" when you hire a coach. However, a well organised and efficient operator can sometimes offer a very reasonable cost for a trip if it can be combined with other work. Flexibility can save money.
- 41) Since 1993 all coaches manufactured and sold in the UK have had to comply with new standards for roll over safety. As coach operators update their fleets, then this standard will become universal. However some coach operators still operate coaches built before this date that would meet minimum standards, eg seatbelts for each seat. When considering an operator please consider the following guidance.

Our general advice on hiring coaches is that you should request the hire of a R66 specification coach.

Insurance of privately owned vehicles

Model letter

Dear Sir/Madam

INSURANCE OF VEHICLES OF PARENTS OR OTHER VOLUNTEERS USED TO TRANSPORT CHILDREN TO SPORTING FUNCTIONS AND ON EDUCATIONAL VISITS

The Council has a third party policy by which it insures its legal liability to pay compensation for accidental injury to any person or loss or damage to property. This policy covers all authorised educational activities run by the Council but specifically excludes motor vehicle risks. Where privately owned vehicles are used, the responsibility for insurance of the vehicle rests with the owner and driver concerned. The Council cannot provide insurance to protect the interests of the car owner/driver in the event of an accident.

In drawing this point to your attention, I am seeking only to inform you of the limits of the Council's insurance provision. With the single exception of vehicles used by employees of the Council, where additional cover would be required, the majority of private policies held, which permit use for social, domestic and pleasure purposes, should be sufficient to permit occasional voluntary use in connection with school functions. If you are in doubt, you are advised to check the position with your own Insurance Company or Broker.

If you wish to continue using your vehicle to transport children to sporting functions and on educational visits on a regular basis, I would suggest that you contact your Insurance Company or Broker so as to ensure that they are aware of this use of the vehicle and can give you written confirmation that your policy provides the necessary third party liability cover.

For the avoidance of any misunderstanding and to protect the interests of all concerned, the advice of the legal and insurance officers of the Council has been sought on your behalf. Your past assistance with transport for school functions has been very much appreciated and I hope that you will feel able to continue this invaluable service to the school.

Yours faithfully

Head/Warden/Principal/Centre Manager